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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Costa Rica* and Turkey: revised draft resolution

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 50/135 of 21 December 1995 and Commission on Human Rights resolution 1996/21 of 19 April 1996,[1]

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[2] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[3] including his conclusions and recommendations,

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* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See E/1996/L.18; for the final text, see Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[2] A/CONF.157/24 (Part I), chap. III.

[3] A/51/301, annex.

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance which are increasingly visible in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and members of their families,

Taking note of the final report on freedom of opinion and expression, submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Turk, in which the Special Rapporteurs conclude that, under international law, racism is not an opinion but an offence,[4]

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights, and in article 5 of the Convention,[5]

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence to such crimes,

Underlining the importance of creating conditions which foster greater harmony and tolerance within societies,

Regretting that the Special Rapporteur has continued to encounter difficulties in his effort to fulfil his mandate, owing to the lack of necessary resources,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[3]

2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and

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[4] E/CN.4/Sub.2/1992/9 and Add.1.

[5] See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), chap. VIII, sect. B.

specialized agencies in order to further their effectiveness and mutual cooperation;

3. Takes note of the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance, and to include the question of immigration and xenophobia in its agenda;[6]

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism and all racist violence, including related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

6. Encourages all States, in accordance with the conclusions and recommendations of the Special Rapporteur in his report,[3] to include in their educational curricula and social programmes, at all levels as appropriate, knowledge, tolerance and respect for foreign cultures, peoples and countries;

7. Encourages the efforts of Governments to take measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

8. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

9. Recognizes that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination;

10. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to cooperate with and to supply relevant information to the Special Rapporteur;

11. Commends non-governmental organizations for their action against racism and racial discrimination and for their continuous support and assistance to the victims of racism and racial discrimination;

12. Urges all Governments to cooperate fully with the Special Rapporteur, with a view to enabling him to fulfil his mandate;

13. Requests once again the Secretary-General to provide, without any further delay, the Special Rapporteur, as in the case of other Special Rapporteurs, with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit, in a timely manner, an interim report on this question to the General Assembly at its fifty-second session.

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[6] See A/51/301, para. 57.